

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MAINE

_____	)	
In re	)	
	)	
MONTREAL MAINE & ATLANTIC	)	
RAILWAY, LTD.	)	CASE NO. 1:13-MC-00184-NT
Debtor	)	
_____	)	

**PLAINTIFF’S MOTION FOR LEAVE TO FILE AMENDED COMPLAINT AND TO  
LIMIT THE PERIOD TO OBJECT TO PLAINTIFF’S MOTION FOR LEAVE TO  
FILE AMENDED COMPLAINT**

NOW COMES the Plaintiff, Marie-Josée Grimard, as Special Administrator of the Estate of Henriette Latulippe, deceased, by and through her undersigned attorneys, and hereby moves Plaintiff’s Motion for Leave to File Amended Complaint and to Limit the Period to Object to Plaintiff’s Motion for Leave to File Amended Complaint, stating as follows:

On March 21, 2014, Judge Torresen entered an Order transferring all of the pending wrongful death cases from Illinois to Maine, including the single case pending in Illinois state court, namely Marie-Josée Grimard, as Special Administrator of the Estate of Henriette Latulippe, deceased, v. Rail World, Inc., et al, Circuit Court of Cook County, Case Number 13 L 8534 (the “Grimard Case”).

As of this date, the Grimard Case file has not been transferred from the Circuit Court of Cook County to the Federal District Court of Maine, and no case number has been assigned to the Grimard Case by the Clerk of the Federal District Court of Maine.

Concurrently with the filing of this motion, Plaintiff has filed a Motion for Leave to File an Amended Complaint (“Motion for Leave”). Therein, Plaintiff seeks leave to file an amended

complaint that adds additional defendants and the incorporation of additional fact that amplifies the background regarding how and why a train derailed in Lac- Mégantic Quebec on July 6, 2013.

Due to an agreed-upon stay, Plaintiff was, until June 8, 2015, prohibited from seeking leave to file an amended complaint in this Court. The stay now lifted, Plaintiff is free to proceed.

Because, however, more than 21 days have passed since Plaintiff served her complaint, she must receive leave of court prior to filing an amended complaint. That, of course, requires Plaintiff to file a motion, allow Defendants' time to oppose and this Court the time to issue an order authorizing the filing of an amended complaint. Plaintiff is, however, cognizant of the fact that the two-year statute of limitations for her claims expires on July 6, 2015. Accordingly, Plaintiff's amended complaint, to the extent that it adds additional parties, would need to be filed on or before July 6, 2015.

Subjecting Plaintiff's Motion for Leave to the usual timing for motion practice in this District would allow for oppositions to be filed by no later than July 14, 2015. Then, Plaintiff should have an opportunity to respond. Thus, the timing for this motion practice would likely take Plaintiff beyond July 6, 2015.

Given the exigent circumstances and to avoid that extreme prejudice, Plaintiff requests that this Court conduct an emergency hearing on her Motion for Leave during the week of June 29, 2015. That would allow the participating parties to indicate to the Court whether they have any objection to Plaintiff's Motion for Leave.

In the event that any party indicates that it has an objection to the Motion for Leave, Plaintiff would request that that party file its objections within 3 days of the filing of this motion. Plaintiff believes that this expedited process would allow Defendants due process in interposing

an objection to the Motion for Leave, while at the same time giving this Court sufficient time to decide whether leave should be granted, and, if so, Plaintiff the time to file her amended complaint, with a new case number assigned by the Clerk, in advance of the limitations deadline.

DATED: June 30, 2015

Respectfully submitted,

By their attorneys,

/s/ George W. Kurr, Jr.

George W. Kurr, Jr., Esq.  
GROSS, MINSKY & MOGUL, P.A.  
23 Water Street, Suite 400  
P. O. Box 917  
Bangor, ME 04402-0917  
Phone: (207) 942-4644 ext. 206  
Fax: (207) 942-3699  
gwkurr@grossminsky.com

### **CERTIFICATE OF SERVICE**

I, George Kurr, Esquire, of the firm Gross, Minsky & Mogul, P.A., attorneys for Marie-Josée Grimard, as Special Administrator of the Estate of Henriette Latulippe hereby certify that on June 30, 2015, I electronically filed **PLAINTIFF'S MOTION FOR LEAVE TO FILE AMENDED COMPLAINT AND TO LIMIT THE PERIOD TO OBJECT TO PLAINTIFF'S MOTION FOR LEAVE TO FILE AMENDED COMPLAINT** with the Court via the CM/ECF electronic filing system which will send notification of such filing to the attorneys/parties of record who have registered as CM/ECF participants.

/s/ George W. Kurr, Jr.

George W. Kurr, Jr., Esq.